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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

M.R.,)	Case No. 4:22-cv-05137-YGR
)	
Plaintiff,)	PLAINTIFF’S ADMINISTRATIVE
)	MOTION TO CONSIDER WHETHER
vs.)	CASES SHOULD BE RELATED
)	
FEDERAL CORRECTIONAL INSTITUTION)	
“FCI” DUBLIN et al,)	
)	
Defendants.)	

T.C.,)	Case No. 3:23-cv-06330-AGT
)	
Plaintiff,)	PLAINTIFF’S ADMINISTRATIVE
)	MOTION TO CONSIDER WHETHER
vs.)	CASES SHOULD BE RELATED
)	
UNITED STATES OF AMERICA, [FIRST NAME])	
UNKNOWN] GONZALES, and SERGIO)	
SAUCEDO,)	
)	
Defendants.)	

I. INTRODUCTION

Plaintiff in *T.C. v. United States of America*, No. 3:23-cv-06330-AGT (“*T.C.*”), bring this Motion to alert the Court, as required under Local Rule 3-12(b) and Local Rule 7-11, that this action may relate to *M.R. v. Federal Correctional Institution (“FCI”) Dublin*, 22-cv-05137-YGR (N.D. Cal. Filed September 9, 2022) (“*M.R.*”). Both Northern District of California actions involve individuals who experienced sexual assaults, abuse, and harassment at the hands of Bureau of Prisons (“BOP”) personnel at Federal Correctional Institute, Dublin (“FCI Dublin”), and the United States of America is named as a defendant in both actions. As such, *T.C.* may appropriately be considered related to *M.R.* for the purposes of Local Rule 3-12(a).

In the interest of judicial economy, Plaintiff requests that the Court relate the two cases. Plaintiff wishes to proceed before a District Judge, rather than a Magistrate Judge, and will not waive her right to do so under 28 U.S.C. § 636, Federal Rule 73, and Local Rule 73.

Defendants have not been served with the case opening documents and Plaintiff has been unable to meet and confer with Defendants in regard to this request. (Declaration of Emily Rose Johns in Support of Plaintiff’s Administrative Motion to Consider Whether Cases Should Be Related (“Johns Decl.”) ¶ 4.)

II. BACKGROUND

Plaintiff in the *M.R.* matter filed their initial complaint on September 9, 2022 alleging that a correctional officer at FCI Dublin repeatedly subjected Plaintiff, a minimum-security inmate incarcerated there, to sexual abuse in violation of federal and state law. This case was assigned to Judge Yvonne Gonzales Rogers. Multiple other matters involving sexual abuse by correctional officers at FCI Dublin have been filed since that date, which have all been related to *M.R.* including, *Reyes v. United States*, 22-cv-07704-YGR; *M.S. v. FCI Dublin, et al.*, 22-cv-08924-YGR; *Preciado v. Bellhouse, et al.*, 22-cv-09096-YGR; *D.V. v. United States, et al.*, 23-cv-02135-YGR; *A.J. v. United States, et al.*, 23-cv-02201-YGR; *C.C. v. United States, et al.*, 23-cv-02206-YGR; *J.A. v. United States, et al.*, 23-cv-02342-YGR; *A.R. v. United States, et al.*, 23-cv-02405-YGR; *D.S. v. United States, et al.*, 23-cv-02668-YGR; *Chaney, et al. v. United States, et al.*, 23-cv-02986-YGR; *D.G. v. United States, et al.*, 23-cv-03390-YGR; *L.A. v. United States, et al.*, 23-cv-

03475-YGR; *Y.S. v. United States, et al.*, 23-cv-03538-YGR; *L.C. v. United States, et al.*, 23-cv-03558-YGR; *S.M. v. United States, et al.*, 23-cv-03562-YGR; *N.E. v. United States, et al.*, 23-cv-03641-YGR; *J.O. v. United States, et al.*, 23-cv-03700-YGR; *R.C. v. United States, et al.*, 23-cv-3716-YGR; *A.Z. v. United States, et al.*, 23-cv-03827-YGR; *J.R. v. United States, et al.*, 23-cv-03994-YGR; *K.C. v. United States, et al.*, 23-cv-03997-YGR; *California Coalition for Women Prisoners, et al. v. United States, et al.*, 23-cv-04155-YGR; *J.M. v. United States, et al.*, 23-cv-04283-YGR; *S.A.H. v. United States, et al.*, 23-cv-04317-YGR; *C.V. v. United States, et al.*, 23-cv-04321-YGR; *L.R. v. United States, et al.*, 23-cv-04361-YGR; *J.F. v. United States, et al.*, 23-cv-04434-YGR; *M.P. v. United States, et al.*, 23-cv-04435-YGR; *R.R. v. United States, et al.*, 23-cv-04436-YGR; *S.F. v. United States, et al.*, 23-cv-04437-YGR; *Gonzalez v. United States, et al.*, 23-cv-04611-YGR; *A.C. v. United States, et al.*, 23-cv-04691-YGR; *J.C. v. United States, et al.*, 23-cv-04698-YGR; *R.R. v. United States, et al.*, 23-cv-05294-YGR; *D.G. v. United States, et al.*, 23-cv-05339-YGR; *N.P. v. United States, et al.*, 23-cv-05356-YGR; *R.R. v. United States, et al.*, 23-cv-05392-YGR; *M.J.R. v. United States, et al.*, 23-cv-05821-YGR. In addition, criminal proceedings against seven former FCI Dublin officers, including Defendant Ray J. Garcia, have been related to *M.R.* including: *United States v. Highhouse*, No. 4:22-cr-00016-HSG (N.D. Cal.); *United States v. Klinger*, No. 4:22-cr-00031-YGR (N.D. Cal.); *United States v. Garcia*, No. 4:21-cr-00429-YGR (N.D. Cal.); *United States v. Bellhouse*, No. 4:22-cr-00066-YGR (N.D. Cal.); *United States v. Chavez*, No. 4:22-cr-00104-YGR (N.D. Cal.); *United States v. Smith*, No. 4:23-cr-00110-YGR; *United States v. Jones*, No. 4:23-cr-00212-YGR (N.D. Cal.); *United States v. Nunley*, No. 4:23-cr-00213-YGR (N.D. Cal.).

The *T.C.* matter was filed on December 7, 2023 by an individual who is incarcerated at FCI Dublin, where she suffered sexual violence at the hands of facility staff. (Johns Decl. ¶ 2.) Plaintiff is requesting this case be related to the other matters involving sexual misconduct at FCI Dublin, which are currently before U.S. District Judge Yvonne Gonzales Rogers. (Johns Decl. ¶ 3.)

III. ARGUMENT

Local Rule 3-12(a) provides that two actions are related if “(1) [t]he actions concern substantially the same parties, property, transaction, or event; and (2) [i]t appears likely that there

will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Plaintiff believes that this case is related to *M.R. v. Federal Correctional Institution (“FCI”) Dublin*, 22-cv05137-YGR, and to the other similar cases which have already been related to M.R. and transferred to Judge Gonzalez Rogers. This case is related to *M.R.* because they both involve Defendant United States. In addition, the cases both concern a substantial portion of the same wrongful acts across similar period at the same facility – sexual harassment, abuse, and retaliation by FCI Dublin personnel against incarcerated individuals. Therefore, the actions concern substantially the same parties, transaction, or event, satisfying the requirement of Local Rule 3-12(a)(1). In addition, the cases implicate several of the same causes of action including Gender Violence and Sexual Battery.

Furthermore, the cases share questions of law and fact, including but not limited to:

- Whether FCI Dublin employees engaged in illegal and/or prohibited conduct with incarcerated individuals; and
- Whether FCI Dublin employees violated the right to be free from violence based on their gender.

As a result, under Local Rule 3-12(a)(2), it would be unduly burdensome, and it would cause an unnecessary duplication of labor and expense, or conflicting results, if these cases were conducted before different Judges. It is also in the interests of judicial economy to relate these cases, as Plaintiff in the *T.C.* matter do not wish to consent to proceed before a Magistrate Judge for all purposes and would decline to do so, pursuant to Local Rule 73. Plaintiff respectfully submits that assignment of these cases to a single District Judge is likely to conserve judicial resources and promote an efficient and consistent determination of each action.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court grant Plaintiff’s Administrative Motion to Relate Cases and transfer the *T.C.* case to Judge Gonzalez Rogers. Pursuant to Northern District of California’s Local Rule 5-1(i), all signatories have concurred in the filing of this document.

1 Dated: December 8, 2023

2 SIEGEL, YEE, BRUNNER & MEHTA

3
4 By:  _____

5 EmilyRose Johns

6 *Attorneys for Plaintiff*